

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ARMANDO HERNANDEZ MARTINEZ,

Petitioner,

v.

NEIL CLARK,

Respondent.

CASE NO. C07-1497-RSM-JPD

ORDER GRANTING RESPONDENT'S  
FOURTH MOTION FOR EXTENSION OF  
TIME AND RE-NOTING PETITIONER'S  
MOTION FOR RELEASE ON BOND

On September 25, 2007, petitioner, proceeding pro se, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging the lawfulness of his detention by the U.S. Immigration and Customs Enforcement ("ICE"). (Dkt. #6). Petitioner has also filed a Petition for Review with the Ninth Circuit Court of Appeals and a temporary stay of removal is in effect. *See Martinez v. Gonzales*, No. 07- 73769 (9<sup>th</sup> Cir. filed Sept. 24 2007). On November 8, 2007, petitioner filed a "Motion for Release on Bond Pending Adjudication and Request for Stay." (Dkt. #11). Petitioner requests that he be released from custody, contending that he is a "native Indian and a citizen of the united states." (Dkt. #11 at 1). The habeas petition and the motion seek the same relief – release from detention.

ORDER GRANTING RESPONDENT'S FOURTH  
MOTION FOR EXTENSION OF TIME AND RE-NOTING  
PETITIONER'S MOTION FOR RELEASE ON BOND  
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1 On February 4, 2008, respondent filed his Fourth Motion for Extension of Time in which  
2 to file Return. (Dkt. #21). Respondent states that ICE has recently located the Administrative  
3 File of petitioner's mother, and requests one final extension of time to complete review of the  
4 record in this matter. Respondent requests that the Court re-note petitioner's motion for release  
5 for February 22, 2008, so that respondent can file a response to petitioner's motion at the same  
6 time as his return to petitioner's habeas petition.

7 Upon review of the record, the Court does hereby ORDER:

8 (1) Respondent's fourth request for an extension of time (Dkt. #21) is GRANTED.  
9 Respondent shall have until February 18, 2008, in which to serve and file his Return to the  
10 Habeas Petition. The Court will not grant any further extension of time, and will proceed with  
11 consideration of petitioner's motion for release as scheduled.  
12

13 (3) The Clerk is directed to RE-NOTE petitioner's motion for release (Dkt. #11) on the  
14 Court's calendar for consideration on February 22, 2008.

15 (4) The Clerk is directed to forward a copy of this Order to petitioner, to counsel for  
16 respondent, and to the Honorable Ricardo S. Martinez.

17 DATED this 6th day of February, 2008.

18   
19 JAMES P. DONOHUE  
20 United States Magistrate Judge  
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